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In re Application of :
KUBSIAK, Helmut J. *et al* :
U.S. Application No.: 08/765,584 : DECISION ON
PCT No.: PCT/EP95/01985 :
Int. Filing Date: 26 May 1995 : PETITION
Priority Date: 20 June 1994 :
Attorney's Docket No.: PORT012 : UNDER 37 CFR 1.137(b)
For: DETECTOR FOR MEASURING DEVICE :

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.137," filed 09 August 2000.

BACKGROUND

On 09 June 2000, a decision dismissing applicants' petition to revive was mailed because the terminal disclaimer submitted limited its application to the above-identified application only and did not apply to an application containing a specific reference under 35 U.S.C. 120, 121, or 365(c) as required. All other requirements including the terminal disclaimer fee were satisfied.

On 09 August 2000, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a new terminal disclaimer and an "Associate Power of Attorney and Change of Correspondence Address."

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by: (1) a proper reply; (2) the requisite petition fee; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) pursuant to 37 CFR 1.137(c). Applicants previously satisfied items (1), (2) and (3) of 37 CFR 1.137(b) and included the appropriate terminal disclaimer fee of \$55.00.

In the instant petition, applicants included a properly executed terminal disclaimer satisfying the requirements of 37 CFR 1.137(c). Thus, all of the requirements of 37 CFR 1.137(b) have been satisfied.

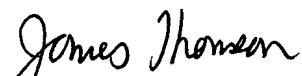
The above-captioned application was abandoned as of 02 June 1997. (One month after failing to properly respond to the Notification of Missing Requirements mailed 02 May 1997.) The period of the disclaimer is equal to the period of abandonment for the above-captioned application. Thus, the period of the disclaimer in this case is 39 months. (02 June 1997 until 09 August 2000).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 26 May 1995, under 35 U.S.C. 363, and a 35 U.S.C. 102(e) and 371(c) date of **15 October 1999**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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